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Attorney Docket No. HOOV 114

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Michael D. Hooven

Serial No.: 10/038,506

Filed: November 9, 2001

Examiner:

Art Unit: 3739

For: TRANSMURAL ABLATION DEVICE WITH
PARALLEL JAWS

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on May 17, 2002

Christine A. Barglik
Christine A. Barglik

Date: May 17, 2002

Commissioner for Patents
Washington, D.C. 20231

MAIL ROOM

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.97, as revised on February 4, 1992, 1135 OG 23-24, Applicant hereby calls the Examiner's attention to documents listed on the attached form, which documents may be material to the examination of this application. A copy of each of the references was submitted to the Patent Office or was cited by the Examiner in the parent application, Serial No. 09/747,609 filed December 22, 2000, which is being relied upon for an earlier filing date under 35 U.S.C. 120 (35 C.F.R. §1.98(d)).

No inference should be drawn that the attached list sets forth a comprehensive investigation of the prior art, that any or all are pertinent to the invention, or that any apparatus disclosed is

equivalent to the subject invention.

The citation of the above-discussed documents is not to be construed as an assertion that more pertinent art could not possibly be in existence. Citation of any document herein is not to be construed as an admission that any subject matter disclosed in the document is necessarily within the inventive field of endeavor, that any disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that any disclosure is otherwise necessarily prior art with respect to the instant invention.

Applicant also respectfully reserves the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosure of those documents discussed herein, that may be cited by the Examiner in rejecting a claim in the instant patent application.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Accordingly, it is believed that no fee under 37 CFR 1.97(c) is required. If it is determined that a fee is required for this Information Disclosure Statement, please charge our Deposit Account No. 50/1039.

Respectfully submitted,

Stephen B. Heller
Stephen B. Heller
Attorney of Record
Registration No.: 30,181

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 LIST OF PUBLICATIONS CITED BY APPLES & PAPERS ORIGINALLY FILED	<u>Attorney Docket No.</u> HOOV 114	<u>Serial No.</u> 10/038,506
	<u>Applicant</u> Michael D. HOOVEN	
	<u>Filing Date</u> November 9, 2001	<u>Group</u> 3739

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	3,630,207	12/28/71	Kahn et al	128	350	08/08/69
	3,901,242	08/26/75	Storz	128	303	05/30/74
	4,043,342	08/23/77	Morrison, Jr.	128	303	02/26/76
	4,353,371	10/12/82	Cosman	128	303	09/24/80
	4,492,231	01/08/85	Auth	128	303	09/17/82
	4,590,934	05/27/86	Malis et al	128	303	05/18/83
	4,706,667	11/17/87	Roos	128	303	07/28/86
	4,732,149	03/22/88	Sutter	128	303	01/21/87
	4,802,475	02/07/89	Weshahy	128	303	06/22/87
	4,940,064	07/10/90	Desai	128	784	06/30/87
	5,013,312	05/07/91	Parins et al	606	37	03/19/90
	5,083,565	01/28/92	Parins	128	642	08/03/90
	5,085,657	02/04/92	Ben-Simhon	606	42	10/09/90
	5,087,243	02/11/92	Avitall	604	20	06/18/90
	5,116,332	05/26/92	Lottick	606	42	02/08/92
	5,147,355	09/15/92	Friedman	606	23	09/23/88
	5,190,541	03/02/93	Abele et al	606	46	10/17/90
	5,207,691	05/04/93	Nardella	606	142	11/01/91

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	EP 0 765 639 WO 98/17187 WO 98/53750	04/02/97 04/30/98 12/03/98	Ethicon Endo-Surgery Inc Heartport, Inc. Sports Link, Inc.			09/27/96 10/22/97 05/28/98

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English abstract re Japanese Patent Application No. JP 1996000275351,
published April 28, 1997.

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	5,217,460	06/08/93	Knopfler	606	52	03/22/91
	5,231,995	08/03/93	Desai	128	784	09/30/92
	5,242,441	09/07/93	Avitall	606	41	02/24/92
	5,250,047	10/05/93	Rydell	606	48	10/21/91
	5,250,075	10/05/93	Badie	606	207	09/02/92
	5,263,493	11/23/93	Avitall	607	122	07/07/92
	5,269,326	12/14/93	Verrier	128	642	10/24/91
	5,269,780	12/14/93	Roos	606	42	09/27/91
	5,281,215	01/25/94	Milder	606	20	06/15/92
	5,281,216	01/25/94	Kliceck	606	42	03/31/92
	5,293,869	03/15/94	Edwards et al	128	642	09/25/92
	5,318,589	06/07/94	Lichtman	606	205	04/15/92
	5,327,905	07/12/94	Avitall	128	772	12/11/92
	5,354,297	10/11/94	Avitall	606	45	07/07/92
	5,357,956	10/25/94	Nardella	128	642	11/13/92
	5,397,339	03/14/95	Desai	607	116	05/07/93
	5,403,312	04/04/95	Yates et al	606	50	07/22/93
	5,423,807	06/13/95	Milder	606	20	01/24/94

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	WO 99/02096	01/21/99	The Regents of the Univ. of California			07/08/98
	WO 99/04696	02/04/99	Cardiac CRC Nominees Pty., Ltd.			07/24/98
	WO 99/12487	03/18/99	Valleylab			09/04/98

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	5,429,636	07/04/95	Shikhman et al	606	41	10/08/93
	5,438,302	08/01/95	Goble	331	167	07/11/94
	5,441,483	08/15/95	Avitall	604	95	11/08/93
	5,443,463	08/22/95	Stern et al	606	51	08/16/93
	5,445,638	08/29/95	Rydell et al	606	51	07/16/93
	5,449,355	09/12/95	Rhum et al	606	41	11/24/93
	5,451,223	09/19/95	Ben-Simhon	606	42	07/26/94
	5,454,370	10/03/95	Avitall	128	642	12/03/93
	5,465,716	11/14/95	Avitall	128	642	11/22/93
	5,472,441	12/05/95	Edwards et al	606	41	03/11/94
	5,478,309	12/26/95	Sweezer et al	604	4	05/27/94
	5,480,409	01/02/96	Riza	606	205	05/10/94
	5,487,385	01/30/96	Avitall	128	642	12/03/93
	5,496,312	03/05/96	Kliceck	606	34	10/07/93
	5,500,011	03/19/96	Desai	607	116	11/04/94
	5,531,744	07/02/96	Nardella et al	606	48	12/01/94
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	WO 99/56486	11/04/99	Nokia Telecommunications OY			04/28/99
	WO 99/56644	11/11/99	Cardiac Pacemakers, Inc.			04/28/99
	WO 99/56648	11/11/99	Cardiac Pacemakers, Inc.			04/28/99

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RCR	5,562,721	10/08/96	Marchlinski et al	607	99	05/10/95
	5,564,440	10/15/96	Swartz et al	128	898	11/03/94
	5,582,609	12/10/96	Swanson et al	606	39	08/08/94
	5,587,723	12/24/96	Otake et al	345	118	04/13/94
	5,595,183	01/21/97	Swanson et al	128	697	02/17/95
	5,599,350	02/04/97	Schulze et al	606	51	04/03/95
	5,611,813	03/18/97	Lichtman	606	205	04/28/95
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	5,655,219	08/05/97	Jusa et al	370	338	03/04/94
	5,672,174	09/30/97	Gough et al	606	41	01/16/96
	5,674,220	10/07/97	Fox et al	606	51	09/29/95
	5,683,384	11/04/97	Gough et al	606	41	08/15/95
	5,687,737	11/18/97	Branham et al	128	710	10/31/94
	5,688,270	11/18/97	Yates et al	606	51	01/18/95
	5,690,611	11/25/97	Swartz et al	604	53	11/14/94
	5,693,051	12/02/97	Schulze et al	606	51	04/12/95
	5,697,925	12/16/97	Taylor	606	34	06/09/95

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↓	WO 97/32525	09/12/97	Cardiac Pathways Corp.	7	7	11/04/96
	WO 99/44519	09/10/99	Atrionix, Inc.			03/02/99
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↓	WO 00/21449	04/20/00	Levin, J.M.	7	7	10/09/98

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EXAMINER:	<i>Roseland Kearney Rollins</i>	DATE CONSIDERED:
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RKR	5,697,928	12/16/97	Walcott et al	606	41	09/23/96
	5,702,359	12/30/97	Hofmann et al	604	20	06/06/95
	5,702,390	12/30/97	Austin et al	606	48	03/12/96
	5,702,438	12/30/97	Avitall	607	122	06/08/95
	5,709,680	01/20/98	Yates et al	606	50	12/22/94
	5,718,703	02/17/98	Chin	606	49	03/14/95
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	5,725,512	03/10/98	Swartz et al	604	280	02/08/96
	5,728,143	03/17/98	Gough et al	607	101	02/14/96
	5,730,127	03/24/98	Avitall	128	642	01/29/96
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	5,735,847	04/07/98	Gough et al	606	45	12/19/95
	5,735,849	04/07/98	Baden et al	606	51	11/07/96
	5,740,808	04/21/98	Panescu et al	128	662	10/28/96
	5,755,664	05/26/98	Rubenstein	600	377	07/11/96
	5,755,717	05/26/98	Yates et al	606	51	01/16/96
	5,759,158	06/02/98	Swanson	600	508	08/19/97
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	WO 00/27310 (A2 & A3)	05/18/00	St. Jude Medical Cardiovascular Group Inc	7	7	11/05/99
	WO 00/27311	05/18/00	St. Jude Medical Cardiovascular Group Inc	7	7	11/05/99

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KKR	5,782,828	07/21/98	Chen et al	606	42	12/11/96
	5,785,706	07/28/98	Bednarek	606	41	11/18/96
	H 1745	08/04/98	Paraschac	606	51	09/29/95
	5,797,906	08/25/98	Rhum et al	606	48	04/28/95
	5,797,960	08/25/98	Stevens et al	606	213	04/20/95
	5,800,484	09/01/98	Gough et al	607	104	09/03/96
	5,807,393	09/15/98	Williamson, IV et al	606	32	05/08/95
	5,807,395	09/15/98	Mulier et al	606	41	04/22/97
	5,810,804	09/22/98	Gough et al	606	41	03/15/96
	5,810,805	09/22/98	Sutcu et al	606	45	02/09/96
	5,810,811	09/22/98	Yates et al	606	50	04/04/97
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	5,823,955	10/20/98	Kuck et al	600	374	11/20/95
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	WO 00/27312	05/18/00	St. Jude Medical Cardiovascular Group Inc	7	7	11/05/99
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	WO 00/42931	07/27/00	Cryocath Technologies	7	7	01/25/00

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	5,846,238	12/08/98	Jackson et al	606	41	04/08/96
	5,849,011	12/15/98	Jones et al	606	47	06/18/96
	5,849,020	12/15/98	Long et al	606	167	06/30/97
	5,853,411	12/29/98	Whayne et al	606	41	04/08/96
	5,855,614	01/05/99	Stevens et al	623	11	05/07/96
	5,860,975	01/19/99	Goble et al	606	45	12/15/95
	5,863,290	01/26/99	Gough et al	606	41	12/19/95
	5,863,291	01/26/99	Schaer	606	41	04/08/96
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	5,876,400	03/02/99	Songer	606	45	01/13/97
	5,876,401	03/02/99	Schulze et al	606	51	04/14/97
	5,891,135	04/06/99	Jackson et al	606	41	04/08/96
	5,891,136	04/06/99	McGee et al	606	41	04/08/96
	5,893,863	04/13/99	Yoon	606	170	05/01/97
	5,899,898	05/04/99	Arless et al	606	22	02/27/97
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	WO 00/42932	07/27/00	Cryocath Technologies	7	7	01/25/99
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	WO 00/42934	07/27/00	Daig Corporation			01/07/00

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	5,913,855	06/22/99	Gough et al	606	41	11/03/97
	5,921,924	07/13/99	Avitall	600	374	11/12/97
	5,925,038	07/20/99	Panescu et al	606	41	04/08/96
	5,925,042	07/20/99	Gough et al	606	41	11/03/97
	5,924,424	07/20/99	Stevens et al	128	898	10/14/97
	5,928,229	07/27/99	Gough et al	606	41	10/30/97
	5,931,836	08/03/99	Hatta et al	606	38	07/21/97
	5,935,126	08/10/99	Riza	606	51	09/30/97
	5,938,660	08/17/99	Swartz et al	606	45	06/27/97
	5,941,251	08/24/99	Panescu et al	128	899	11/08/96
	5,941,845	08/24/99	Tu et al	604	53	08/05/97
	5,944,718	08/31/99	Austin et al	606	48	07/31/97
	5,947,938	09/07/99	Swartz et al	604	280	01/10/97
	5,951,552	09/14/99	Long et al	606	46	06/30/97
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	5,954,665	09/21/99	Ben-Haim	600	515	10/23/97
	5,961,514	10/05/99	Long et al	606	41	06/18/97
	5,967,976	10/19/99	Larsen	600	374	11/08/96
	5,971,983	10/26/99	Lesh	606	41	05/09/97
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	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
<u>OTHER PUBLICATIONS</u> (Including Author, Title, Date, Pertinent Pages)						
EXAMINER: <i>Bosil and Kenneth Pollard</i>				DATE CONSIDERED: <i>6/27/03</i>		
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<p>Substitute for form 1449A/PTO</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p><i>(use as many sheets as necessary)</i></p>				Complete if Known	
Sheet	10	of	12	Application Number	10/038,506
				Filing Date	November 9, 2001
				First Named Inventor	Michael D. Hooven
				Group Art Unit	3739
				Examiner Name	
				Attorney Docket Number	HOOV 114

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
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	2	5,009,661		Michelson	04/23/1991	
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Examiner Signature	Ronald K. Dallek	Date Considered	10/27/03
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Sheet

11 of 12

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Application Number	10/038,506
Filing Date	November 9, 2001
First Named Inventor	Michael D. Hooven
Group Art Unit	3739
Examiner Name	

Attorney Docket Number HOOV 114

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T2
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Examiner
Signature

Rosiland Keane Bolano

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First Named Inventor	Michael D. Hooven
Group Art Unit	3739
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DRR	34	YOSHITO INOUE, ET AL., "Video Assisted Thoracoscopic and Cardioscopic Radiofrequency Maze Ablation," ASAIO JOURNAL, 1997, pp. 334-337.	
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